

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

BRIAN MOFFITT,
Petitioner,

v.

SALINAS VALLEY STATE PRISON,
Respondent.

Case No. [16-cv-01328-LB](#)

ORDER OF TRANSFER

[Re: ECF No. 1]


Brian Moffitt, an inmate at Salinas Valley State Prison, filed this *pro se* action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He states that he is challenging a sentence from the Amador County Superior Court, and alleges that his continued incarceration is past the end of his 3-year maximum incarceration under California Penal Code § 1370. (ECF No. 1 at 5.)¹ He consented to proceed before a magistrate judge. (ECF No. 7.) Mr. Moffitt is incarcerated in Monterey County, which is located within the venue of the Northern District of California, and his conviction occurred in Amador County, which is located within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, with the preferable district being the district of conviction for a petition challenging

¹ Citations are to the Electronic Case File (“ECF”); pin cites are to the ECF-generated page numbers at the tops of documents.

1 a conviction or sentence imposed. *See* 28 U.S.C. § 2241(d); N. D. Cal. Habeas L.R. 2254-3(b).
2 Because the conviction occurred in the Eastern District of California, pursuant to 28 U.S.C. §
3 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this action is
4 TRANSFERRED to the United States District Court for the Eastern District of California.

5 **IT IS SO ORDERED.**

6 Dated: April 19, 2016



LAUREL BEELER
United States Magistrate Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN MOFFITT,
Plaintiff,

v.

SALINAS VALLEY STATE PRISON,
Defendant.

Case No. 3:16-cv-01328-LB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Moffitt ID: AM0514
SVSP TC1A9
PO Box 1050
Salinas, CA 93960

Dated: April 19, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Lashanda Scott, Deputy Clerk to the
Honorable LAUREL BEELER